

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm and
Ammunition
18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) – Forfeiture
Allegation☐ Petty
☐ Minor
☐ Misdemeanor
☒ FelonyPENALTY: 15 years imprisonment;
\$250,000 fine
3 years supervised release
Mandatory \$100 special assessment
Forfeiture

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

▶ DANIEL LEE WHIGHAM, JR.

DISTRICT COURT NUMBER

CR 23 0149 AMO**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☒ If not detained give date any prior
summons was served on above charges ▶2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**FILED****IS IN CUSTODY****MAY 18 2023**4) ☐ On this charge5) ☐ On another conviction
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer ☐ Yes
been filed? ☐ NoIf "Yes"
give date
filed**DATE OF
ARREST** ▶

Month/Day/Year

Or... if Arresting Agency & Warrant were not

**DATE TRANSFERRED
TO U.S. CUSTODY** ▶

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court,
give name of court☐ this person/proceeding is transferred from another district
per (circle one) FRCrp 20, 21, or 40. Show District☐ this is a reprosecution of
charges previously dismissed
which were dismissed on motion
of:☐ U.S. ATTORNEY ☐ DEFENSESHOW
DOCKET NO.☐ this prosecution relates to a
pending case involving this same
defendantMAGISTRATE
CASE NO.☐ prior proceedings or appearance(s)
before U.S. Magistrate regarding this
defendant were recorded under

Name and Office of Person

Furnishing Information on this form ISMAIL J. RAMSEY

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

CYNTHIA JOHNSON, SAUSA

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or
warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

UNITED STATES OF AMERICA,
V.

DANIEL LEE WHIGHAM, JR.,

FILED

MAY 18 2023

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CR 23 0149

AMO

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm and Ammunition
18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) – Forfeiture Allegation

A true bill.

/s/ Foreperson of the Grand Jury

Foreman

Filed in open court this 18th day of

May 2023



Clerk

Bail, \$ No Bail

 **5/18/23**
HON. KANDIS A. WESTMORE, United States Magistrate Judge

1 ISMAIL J. RAMSEY (CABN 189820)
2 United States Attorney

FILED

MAY 18 2023

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 DANIEL LEE WHIGHAM, JR.,

15 Defendant.

) CASE NO.

CR 23 0149 AMO

) VIOLATIONS:

) 18 U.S.C. § 922(g)(1) – Felon in Possession of a
Firearm and Ammunition;

) 18 U.S.C. § 924(d) and 28 U.S.C. § 2461 – Forfeiture
Allegation

) OAKLAND VENUE
16

17
18 INDICTMENT

19 The Grand Jury charges:

20 COUNT ONE: (18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm and Ammunition)

21 On or about January 27, 2023, in the Northern District of California, the defendant,

22 DANIEL LEE WHIGHAM, JR.,

23 knowing he had previously been convicted of a crime punishable by imprisonment for a term of
24 exceeding one year, knowingly possessed a firearm, namely, one loaded Glock 19X 9mm handgun,
25 bearing serial number BPMX947, and loaded with ammunition, namely thirty-one rounds of Luger and
26 MXT 9x19mm ammunition, and the firearm and ammunition were in and affecting interstate commerce,
27 all in violation of Title 18, United States Code, Section 922(g)(1).
28

INDICTMENT

1 FORFEITURE ALLEGATION: (18 U.S.C. § 924 and 28 U.S.C. § 2461 – Criminal Forfeiture)

2 The allegations contained in the sole count of this Indictment are re-alleged and incorporated by
3 reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d),
4 and Title 28, United States Code, Section 2461(c).

5 Upon conviction of the offense set forth in this Indictment, the defendant,

6 DANIEL LEE WHIGHAM, JR.,

7 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d) and Title 28,
8 United States Code, Section 2461(c), any firearm and ammunition involved in the commission of the
9 offense, including, but not limited to, the following property:

- 10 a. one Glock 19X 9mm handgun bearing serial number BPMX947, seized on or
11 about January 27, 2023; and
12 b. one extended magazine with thirty-one Luger and MXT 9x19mm rounds of
13 ammunition, all ammunition seized in and with the firearm on January 27, 2023.

14 If any of the property described above, as a result of any act or omission of the defendant:

- 15 a. cannot be located upon exercise of due diligence;
16 b. has been transferred or sold to, or deposited with, a third party;
17 c. has been placed beyond the jurisdiction of the court;
18 d. has been substantially diminished in value; or
19 e. has been commingled with other property which cannot be divided without
20 difficulty,

21 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,
22 United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

23 //

24 //

25 //

26 //

27 //

28 //

1 All pursuant to Title 18, United States Code, Section 924(d), Title 28, United States Code,
2 Section 2461(c), and Federal Rule of Criminal Procedure 32.2.

3
4 DATED: May 18, 2023

A TRUE BILL.

5
6 /s/ Foreperson of the Grand Jury
7 FOREPERSON

8 ISMAIL J. RAMSEY
9 United States Attorney

10 /s/ Cynthia Johnson
11 CYNTHIA JOHNSON
12 Special Assistant United States Attorney
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28